

Title 78B, Judicial Code

Chapter 6, Particular Proceedings

Part 2, Alternative Dispute Resolution Act

Section 78B-6-204

78B-6-204. Dispute Resolution Programs – Director – Duties – Report.

- (1) Within the Administrative Office of the Courts, there shall be a director of Dispute Resolution Programs, appointed by the state court administrator.
- (2) The director shall be an employee of the Administrative Office of the Courts and shall be responsible for the administration of all court-annexed Dispute Resolution Programs. The director shall have duties, powers, and responsibilities as the Judicial Council may determine. The qualifications for employment of the director shall be based on training and experience in the management, principles, and purposes of alternative dispute resolution procedures.
- (3) In order to implement the purposes of this part, the Administrative Office of the Courts may employ or contract with ADR providers or ADR organizations on a case-by-case basis, on a service basis, or on a program basis.
- (4) The Administrative Office of the Courts shall:
 - (a) establish programs for training ADR providers and orienting attorneys and their clients to ADR programs and procedures; and
 - (b) ensure that any training described in Subsection (4)(a) complies with Title 63G, Chapter 22, State Training and Certification Requirements.
- (5) ADR providers and organizations are subject to the rules and fees set by the Judicial Council.
- (6) An ADR provider is immune from all liability when conducting proceedings under the rules of the Judicial Council and the provisions of this part, except for wrongful disclosure of confidential information, to the same extent as a judge of the courts in this state.
- (7)
 - (a) The director shall report annually to the Supreme Court, the Judicial Council, the governor, and the Utah State Bar on the operation of the Dispute Resolution Programs.
 - (b) The director shall provide the report to the Judiciary Interim Committee, if requested by the committee.
 - (c) Copies of the report shall be available to the public at the Administrative Office of the Courts.
 - (d) The report shall include:
 - (i) identification of participating judicial districts and the methods of alternative dispute resolution that are available in those districts;

- (ii) the number and types of disputes received;
 - (iii) the methods of alternative dispute resolution to which the disputes were referred;
 - (iv) the course of the referral;
 - (v) the status of cases referred to alternative dispute resolution or the disposition of these disputes; and
 - (vi) any problems encountered in the administration of the program and the recommendations of the director as to the continuation or modification of any program.
- (e) Nothing may be included in a report which would impair the privacy or confidentiality of any specific ADR proceeding.